Remarks

Claims 1-44 remain in the Application. Claims 11, 15, 26, 41 and 43 have been amended.

Claims 11, 26-40, 43 and 44 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claims 11, 26 and 43 have been amended in accordance with the recommendations set forth in the Office Action (Paper No. 5). Removal of this rejection is respectfully requested.

Claims 1, 2, 9, 15, 16, 20, 21, 25, 26, 30 and 40-44 stand rejected under 35 U.S.C. 102(b) as being anticipated by Young et al. Applicant respectfully traverses this rejection, and requests reconsideration of these claims in view of the following remarks.

Claims 1, 2, 9, 16, 20, 21 and 25 each include, either directly or indirectly, the feature of performing packet fragmentation in accordance with an operating status for an operating parameter. The operating parameter may comprise, for example, a priority level, connection speed, number of packets communicated, length of time, and so forth. Specification, Page 10: Lines 6-11. The operating status may comprise a state of operation for packet fragmentation functionality. For example, the operating status may be active or de-active, which may refer to turning packet fragmentation functionality on or off, respectively. Id. at Lines 3-6.

Young et al. is directed to a system in which multiple information bit-streams are prioritized and dynamically segmented into variable-length packets, and multiplexed for efficient transmission over a digital communication link. Young et al., Col. 2: Lines 48-52. Packet sizes may be varied based on "the fullness of the information buffers and

available bit-rate of the output channel." Id. at Col. 3: Lines 28-30 and Col. 6: Lines 28-48.

Claims 1, 2, 9, 16, 20, 21 and 25 perform packet fragmentation in accordance with an operating status for an operating parameter. They do not vary packet size, let alone vary packet size based upon the fullness of information buffers and available bit-rate of an output channel. Consequently, Young et al. does not disclose the claimed subject matter.

For at least the above reasons, it is believed that claims 1, 2, 9, 16, 20, 21 and 25 represent patentable subject matter over Young et al. Removal of the rejection for these claims is therefore respectfully requested.

Claim 15 is directed to performing packet fragmentation based upon whether the packet includes time sensitive or non-time-sensitive information. The Office Action points out that the buffer management system of Young et al. segments both time sensitive and non-time sensitive information. Office Action, Page 3: Lines 12-13. Claim 15 has been amended to clarify that packet fragmentation is performed only when a determination is made that the packet contains time sensitive information. This feature is not described in any of the cited prior art, including Young et al. Removal of the rejection for this claim is therefore respectfully requested.

Claims 26, 30 and 40-44 are directed to modifying a packet fragment size based upon an operating parameter. Young et al. does not vary the size of a packet fragment, but rather varies the size of an entire packet based on the fullness of a buffer and available bit-rate of an output channel. Consequently, Young et al. fails to disclose all

the recited elements of claims 26, 30 and 40-44. Accordingly, removal of the rejection for these claims is therefore respectfully requested.

Applicant would like to thank the Examiner for indicating the allowability of claims 3-8, 10, 12-14, 17-19 and 22-24 if amended to include all of the limitations of the base claims and any intervening claims. It is believed, however, that the base claims represent patentable subject matter as discussed herein. Therefore, it is respectfully submitted that these claims represent patentable subject matter in their current form for at least the same reasons given for the base claims.

Applicant would also like to thank the Examiner for indicating the allowability of claims 11, 27-29 and 31-39 if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Claims 11 and 26 have been amended per the Examiner's recommendations to overcome the rejections under 35 U.S.C. 112, second paragraph. Further, it is believed that the base claims as currently amended represent patentable subject matter as discussed herein. Therefore, it is respectfully submitted that these claims represent patentable subject matter in their currently amended form.

It is believed that claims 1-44 are in allowable form. Accordingly, a Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-3387 to discuss any matter concerning this application.

Appl. No. 09/752,372
Amendment Dated 7/31/2003
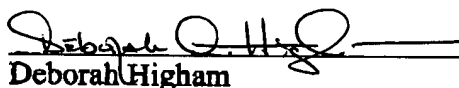Reply to Office Action of June 19, 2003

The Office is hereby authorized to charge any additional fees or credit any

overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2666.

Respectfully submitted,

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Deborah Higham   7/31/03
Deborah Higham   Date

Dated: July 31, 2003

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